

108TH CONGRESS  
2D SESSION

# H. R. 4061

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## AN ACT

To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Assistance for Orphans  
3 and Other Vulnerable Children in Developing Countries  
4 Act of 2004”.

5 **SEC. 2. FINDINGS.**

6       Congress finds the following:

7           (1)(A) According to estimates by the United  
8 Nations Children’s Fund (UNICEF), there are more  
9 than 132,000,000 children in the world under the  
10 age of three.

11           (B) Of these children, 4,000,000 will die in  
12 their first month of life and another 7,000,000 will  
13 die each year before reaching the age of five. Thus  
14 an average of 30,000 children under the age of three  
15 die each day.

16           (2) According to a report developed by the  
17 United Nations Joint Programme on HIV/AIDS  
18 (UNAIDS), UNICEF, and the United States Agen-  
19 cy for International Development, in 2001 there  
20 were more than 110,000,000 orphans living in sub-  
21 Saharan Africa, Asia, Latin America, and the Carib-  
22 bean.

23           (3) Assessments carried out by the Inter-  
24 national Labor Organization (ILO) to investigate  
25 the situation of children who are working found that  
26 orphans are much more likely than non-orphans to

1 be working in commercial agriculture, the domestic  
2 service industry, prostitution, as street vendors, or  
3 in industries that violate internationally recognized  
4 rights of children.

5 (4) Infants who are poor and malnourished are  
6 more likely to contract respiratory infections, diar-  
7 rhea, measles, and other preventable diseases, and  
8 are less likely to receive needed health care.

9 (5) According to UNAIDS and UNICEF, by  
10 the end of 2001 there were an estimated 14,000,000  
11 children under the age of 15 who had lost one or  
12 both parents to AIDS.

13 (6) As the number of HIV cases increases in  
14 sub-Saharan Africa and the Caribbean, as well as in  
15 Eastern Europe and Asia, the death rate from AIDS  
16 among adults in those regions is expected to in-  
17 crease. By 2010 the total number of children in  
18 those regions who will lose one or both parents to  
19 AIDS is expected to be approximately 30,000,000.

20 (7) One-third of children born from an HIV-in-  
21 fected mother develop HIV/AIDS. Few of these chil-  
22 dren have access to HIV/AIDS medications.

23 (8) Globally, more than 11,800,000 young peo-  
24 ple ages 15 to 24 were living with HIV/AIDS in  
25 2001, and each day another 6,000 young people be-

1       came infected with HIV. New estimates indicate that  
2       more than 70 percent of new HIV cases among this  
3       age group in sub-Saharan Africa are young women  
4       and girls.

5           (9) As their parents fall progressively sick from  
6       HIV/AIDS, children generally must take on an in-  
7       creasing number of responsibilities. Girls take re-  
8       sponsibility for more household chores, often drop  
9       out of school, and care for their parents.

10          (10)(A) Without an adequate diet, individuals  
11       infected with HIV often die at an earlier age. Indi-  
12       viduals with HIV become increasingly weak and fa-  
13       tigated, do not respond to drug treatment, and are  
14       prone to other illnesses such as malnutrition and tu-  
15       berculosis (TB).

16          (B) Hunger can also cause previously HIV-neg-  
17       ative people to engage in high-risk survival strategies  
18       that increase their chances of becoming infected with  
19       HIV.

20          (11) Extreme poverty and hunger coupled with  
21       the loss of one or both parents as a result of AIDS  
22       can force children from their families to a life on the  
23       streets, where the risk of HIV infection is extremely  
24       high.

1           (12)(A) A considerable number of United  
2 States and indigenous private voluntary organiza-  
3 tions, including faith-based organizations, provide  
4 assistance to orphans and other vulnerable children  
5 in developing countries, especially children affected  
6 by HIV/AIDS.

7           (B) Many of these organizations have submitted  
8 applications for grants from the United States Agen-  
9 cy for International Development in order to provide  
10 increased levels of assistance for orphans and other  
11 vulnerable children in developing countries but in  
12 most cases the Agency has not approved the applica-  
13 tions.

14          (13)(A) Section 403(b) of the United States  
15 Leadership Against HIV/AIDS, Tuberculosis, and  
16 Malaria Act of 2003 (Public Law 108–25) estab-  
17 lishes the requirement that for fiscal years 2006  
18 through 2008, not less than 10 percent of amounts  
19 appropriated for HIV/AIDS assistance for each such  
20 fiscal year shall be expended for assistance for or-  
21 phans and other vulnerable children affected by  
22 HIV/AIDS.

23          (B) Further, section 403(b) of Public Law  
24 108–25 requires that at least 50 percent of such  
25 amounts shall be provided through non-profit, non-

1 governmental organizations, including faith-based  
2 organizations, that implement programs on the com-  
3 munity level.

4 (14)(A) It is essential that the United States  
5 Government adopt a comprehensive approach for the  
6 provision of assistance to orphans and other vulner-  
7 able children in developing countries.

8 (B) This comprehensive approach should ensure  
9 that important services, such as basic care, treat-  
10 ment for those children with HIV/AIDS, mental  
11 health and related services for those children af-  
12 fected by HIV/AIDS, school food programs, in-  
13 creased educational opportunities and employment  
14 training and related services, and the protection and  
15 promotion of inheritance rights, are made more ac-  
16 cessible.

17 (C) This comprehensive approach should also  
18 ensure that government agencies and the private  
19 sector coordinate efforts to prevent and eliminate  
20 duplication of efforts and waste.

21 (15) As a result of the numerous United States  
22 Government programs under which assistance is spe-  
23 cifically authorized or otherwise available for or-  
24 phans and vulnerable children in developing coun-  
25 tries, the United States Agency for International

1 Development will be required to develop innovative  
2 methods for the conduct and monitoring of these  
3 programs, including through the collection, analysis,  
4 and reporting of information on the programs and  
5 the extent to which such programs provide assist-  
6 ance directly and indirectly to such children.

7 **SEC. 3. PURPOSE.**

8 The primary purpose of this Act, and the amend-  
9 ments made by this Act, is to provide assistance to or-  
10 phans and other vulnerable children, especially such chil-  
11 dren affected by HIV/AIDS, and in particular, for such  
12 children in countries heavily affected by HIV/AIDS. To  
13 the maximum extent practicable, such assistance shall be  
14 provided for the direct benefit to such orphaned and vul-  
15 nerable children.

16 **SEC. 4. ASSISTANCE FOR ORPHANS AND OTHER VULNER-**  
17 **ABLE CHILDREN IN DEVELOPING COUN-**  
18 **TRIES.**

19 Title V of chapter 2 of part I of the Foreign Assist-  
20 ance Act of 1961 (22 U.S.C. 2201) is amended to read  
21 as follows:

1 **“TITLE V—ASSISTANCE FOR OR-**  
2 **PHANS AND OTHER VULNER-**  
3 **ABLE CHILDREN**

4 **“SEC. 241. FINDINGS; DECLARATION OF POLICY.**

5 “(a) FINDINGS.—Congress finds the following:

6 “(1) By 2010, HIV/AIDS will orphan more  
7 than 25,000,000 children worldwide.

8 “(2) Ongoing conflicts and civil wars in devel-  
9 oping countries are adversely affecting children in  
10 these countries, the vast majority of whom currently  
11 do not receive humanitarian assistance or other sup-  
12 port from the United States Government.

13 “(3) The United States Government currently  
14 administers assistance programs for orphans and  
15 other vulnerable children in developing countries.  
16 When requested by the Committee on International  
17 Relations of the House of Representatives to provide  
18 information on the overall number of orphans and  
19 other vulnerable children receiving assistance from  
20 the United States Agency for International Develop-  
21 ment in fiscal year 2002, the Agency was only able  
22 to report on its HIV/AIDS assistance program,  
23 under which the Agency provided assistance to  
24 462,000 such orphans and other vulnerable children.



1           “(4) The United States Government should in-  
2           crease its efforts to provide assistance for orphans  
3           and other vulnerable children in developing coun-  
4           tries, especially those children affected by HIV/AIDS  
5           or conflict.

6           “(5) The United States Agency for Inter-  
7           national Development should establish improved ca-  
8           pacity to deliver assistance to orphans and other vul-  
9           nerable children in developing countries through  
10          partnerships with private voluntary organizations,  
11          including faith-based organizations.

12          “(6) Further, the United States Agency for  
13          International Development should be the primary  
14          United States Government agency responsible for  
15          identifying and assisting orphans and other vulner-  
16          able children in developing countries.

17          “(b) DECLARATION OF POLICY.—Congress, recog-  
18          nizing that prompt and appropriate action by the United  
19          States to assist orphans and other vulnerable children in  
20          developing countries is an important expression of the hu-  
21          manitarian concern and tradition of the people of the  
22          United States, affirms the willingness of the United States  
23          to assist such orphans and other vulnerable children—

24                 “(1) by providing assistance for the purpose of  
25                 improving the health, nutritional, shelter, edu-

1 cational, economic, and psychological status of or-  
2 phans and other vulnerable children in such coun-  
3 tries; and

4 “(2) by providing humanitarian and protection  
5 assistance to such orphans and other vulnerable chil-  
6 dren affected by conflict or civil strife.

7 **“SEC. 242. ASSISTANCE TO PROVIDE BASIC CARE.**

8 “(a) FINDINGS.—Congress finds the following:

9 “(1) The need for individuals and local organi-  
10 zations in developing countries to assist households  
11 headed by children is necessary due to the increase  
12 in the number of such households. Millions of chil-  
13 dren in these types of households lack basic care,  
14 such as access to food and shelter.

15 “(2) Although families and extended families  
16 serve as the primary providers of care for these chil-  
17 dren, when these family care networks break down,  
18 and when communities are responsible for raising  
19 orphans, these children are cared for in a rich and  
20 nurturing environment and remain connected to the  
21 traditions and rituals of families and the community.

22 “(3) As the number of these children increases,  
23 the ability of communities to provide basic care for  
24 such children is limited. Assistance to support the  
25 provision of such basic care is therefore necessary in

1 and of itself and also to facilitate the provision of  
2 other types of assistance for such children under this  
3 title.

4 “(b) ASSISTANCE.—

5 “(1) IN GENERAL.—The President is author-  
6 ized to provide assistance for programs in developing  
7 countries to provide basic care for orphans and other  
8 vulnerable children.

9 “(2) ACTIVITIES SUPPORTED.—Assistance pro-  
10 vided under paragraph (1) should be used—

11 “(A) to support individuals and local orga-  
12 nizations, including teachers, social workers,  
13 and representatives from religious institutions  
14 and nongovernmental organizations, to mobilize  
15 their own resources through the strengthening  
16 of community care coalitions, networks, or sup-  
17 port groups to provide basic care for orphans  
18 and other vulnerable children, including day  
19 care, food assistance, protection assistance, and  
20 home visits;

21 “(B) to increase the capacity of the com-  
22 munity care groups described in subparagraph  
23 (A) to meet on a regular basis to identify or-  
24 phans and other vulnerable children and to fa-  
25 cilitate the provision of services; and

1           “(C) to ensure that the activities of com-  
2           munity care groups described in subparagraph  
3           (A) include appropriate monitoring and super-  
4           vision components.

5           “(3) DEFINITION.—In this subsection, the term  
6           ‘protection assistance’ means all appropriate meas-  
7           ures to promote the physical and psychological secu-  
8           rity of an individual, provide equal access to basic  
9           services for the individual, and safeguard the legal  
10          and human rights and dignity of the individual.

11   **“SEC. 243. ASSISTANCE TO PROVIDE TREATMENT TO OR-**  
12                   **PHANS AND OTHER VULNERABLE CHILDREN**  
13                   **WITH HIV/AIDS.**

14          “(a) FINDINGS.—Congress finds the following:

15               “(1) Approximately 2,500,000 children under  
16               the age of 15 worldwide have HIV/AIDS. Every day  
17               another 2,000 children under the age of 15 are in-  
18               fected with HIV.

19               “(2) In 2002, approximately 2,500,000 children  
20               were at risk for infection with HIV through mother-  
21               to-child transmission, which includes transmission at  
22               any point during pregnancy, labor, delivery, or  
23               breastfeeding.

24               “(3) To date, more than 4,000,000 children  
25               worldwide are estimated to have died from AIDS,

1 primarily contracted through mother-to-child trans-  
2 mission. Every year, approximately 700,000 babies  
3 are infected with HIV, of which the majority are liv-  
4 ing in Africa.

5 “(4) In southern Africa HIV/AIDS is now the  
6 leading cause of death among young children, ac-  
7 counting for almost half of such deaths.

8 “(5) Research has shown conclusively that initi-  
9 ation in a timely manner of antiretroviral therapy  
10 for infants or young children with HIV/AIDS can  
11 preserve or restore their immune functions, promote  
12 normal growth and development, and prolong life.

13 “(6) Few international development programs  
14 specifically target the treatment of children with  
15 HIV/AIDS in developing countries. Reasons for this  
16 include the perceived low priority of pediatric treat-  
17 ment, a lack of pediatric health care professionals,  
18 lack of expertise and experience in pediatric drug  
19 dosing and monitoring, the perceived complexity of  
20 pediatric treatment, and mistaken beliefs regarding  
21 the risks and benefits of pediatric treatment.

22 “(b) ASSISTANCE.—

23 “(1) IN GENERAL.—The President is author-  
24 ized to provide assistance for the treatment of or-

1       phans and other vulnerable children with HIV/AIDS  
2       in developing countries.

3               “(2) ACTIVITIES SUPPORTED.—Assistance pro-  
4       vided under paragraph (1) should be used to carry  
5       out the following activities:

6               “(A) The treatment of orphans and other  
7       vulnerable children with HIV/AIDS through the  
8       provision of pharmaceuticals, including high-  
9       quality, low-cost antiretrovirals and other thera-  
10      pies, including generically manufactured phar-  
11      maceuticals where appropriate.

12              “(B)(i) The recruitment and training of in-  
13      dividuals to provide the treatment described in  
14      subparagraph (A), including the recruitment  
15      and training of appropriate support personnel.

16              “(ii) Such training should include appro-  
17      priate methodologies relating to initial diag-  
18      nosis, appropriate dosages of pharmaceuticals,  
19      monitoring, medication adherence techniques,  
20      treatment for any complications resulting from  
21      such pharmaceuticals, and psychosocial support  
22      for vulnerable children and their caregivers.

23              “(C) Activities of medical laboratories re-  
24      lating to the treatment described in subpara-

1 graph (A), including assistance for the purchase  
2 of necessary equipment.

3 **“SEC. 244. ASSISTANCE TO PROVIDE PSYCHOSOCIAL SUP-**  
4 **PORT TO ORPHANS AND OTHER VULNER-**  
5 **ABLE CHILDREN AFFECTED BY HIV/AIDS.**

6 “(a) FINDINGS.—Congress finds the following:

7 “(1) Many children who are orphaned as a re-  
8 sult of AIDS blame themselves for the death of a  
9 parent and many children are separated from sib-  
10 lings, sometimes for life.

11 “(2) The trauma that results from the loss of  
12 a parent as a result of AIDS can trigger behavior  
13 problems of aggression or emotional withdrawal and  
14 negatively affect a child’s performance in school and  
15 the child’s social relations.

16 “(3) Children living in families affected by  
17 HIV/AIDS are often stigmatized, teased, and ostra-  
18 cized by peers.

19 “(4) Children living in families affected by  
20 HIV/AIDS who are most vulnerable are those chil-  
21 dren in households headed by children. In these  
22 households, trained community volunteers can play a  
23 major role through home visits.

24 “(5) In many African countries, religious lead-  
25 ers are mobilizing individuals and local organizations

1 within the community to identify and respond to the  
2 psychosocial needs of those children affected by  
3 AIDS.

4 “(b) ASSISTANCE.—The President is authorized to  
5 provide assistance for programs in developing countries to  
6 provide culturally appropriate mental health services and  
7 psychosocial support for orphans and other vulnerable  
8 children, and their caregivers.

9 **“SEC. 245. ASSISTANCE FOR SCHOOL FOOD PROGRAMS.**

10 “(a) FINDINGS.—Congress finds the following:

11 “(1) In 2004, it is estimated that 125,000,000  
12 children worldwide do not attend school, in part be-  
13 cause of hunger and malnutrition, and the vast ma-  
14 jority of these children are young girls.

15 “(2) School food programs, including take-home  
16 rations, in developing countries provide strong incen-  
17 tives for parents to send their children to school and  
18 ensure that they continue with their education.  
19 School food programs may reduce short-term hun-  
20 ger, improve cognitive functions, and enhance learn-  
21 ing, behavior, and achievement.

22 “(3) In 2004, more than 8,000,000 children in  
23 sub-Saharan Africa are underweight compared to  
24 1994. Malnutrition enhances the risk that orphans  
25 and other vulnerable children will be at risk for ill-



1       ness and infections, especially if these children are  
2       also infected with HIV.

3               “(4) Healthy members of families affected by  
4       HIV/AIDS in developing countries often leave the  
5       workforce to care for those family members with  
6       HIV/AIDS, which compounds the problem of access  
7       to food for the family. Food consumption has been  
8       shown to drop by as much as 40 percent in these  
9       families.

10              “(5)(A) Although a number of organizations  
11       seek to meet the needs of children who are orphaned  
12       or vulnerable as a result of HIV/AIDS, immediate  
13       and extended families continue to be the primary  
14       providers of care and support for these children, and  
15       they need direct assistance urgently.

16              “(B) According to a survey by the United  
17       States Agency for International Development, or-  
18       phans and other vulnerable children relied on rel-  
19       atives for food support 74 percent of the time and  
20       on friends for food support 19 percent of the time.

21       “(b) ASSISTANCE.—

22              “(1) IN GENERAL.—The President is author-  
23       ized to provide assistance for school food programs  
24       for orphans and vulnerable children in developing

1 countries, especially in such countries heavily af-  
2 fected by HIV/AIDS.

3 “(2) ACTIVITIES SUPPORTED.—Assistance pro-  
4 vided under paragraph (1) should be used to pur-  
5 chase local or regional foodstuffs, where appropriate,  
6 for school food programs.

7 **“SEC. 246. ASSISTANCE TO INCREASE EDUCATIONAL OP-  
8 PORTUNITIES AND PROVIDE EMPLOYMENT  
9 TRAINING.**

10 “(a) FINDINGS.—Congress finds the following:

11 “(1) The lack of financial resources in families  
12 affected by HIV/AIDS prevents many orphans and  
13 other vulnerable children in developing countries  
14 from attending school because of the requirement to  
15 pay school fees and other costs of education.

16 “(2) Such children, in particular young girls,  
17 are often forced to miss school in order to serve as  
18 caregivers to relatives with HIV/AIDS or assume  
19 adult responsibilities for providing for the family.  
20 Younger children who lose a parent also lose the op-  
21 portunity to learn skills that they will need to sup-  
22 port themselves as they grow older.

23 “(3) According to the International Labor Or-  
24 ganization (ILO), approximately 250,000,000 chil-  
25 dren and adolescents ages 5 to 14 in developing

1 countries are working part-time and approximately  
2 120,000,000 children and adolescents ages 5 to 14  
3 in developing countries are working full-time.

4 “(4) In many regions of Africa and other devel-  
5 oping countries, non-formal education plays an im-  
6 portant role to provide children who are unable to  
7 attend school with the employment and related life  
8 skills training such children need to survive.

9 “(5) Many organizations in Africa, including  
10 faith-based organizations, provide employment and  
11 related life skills training for older children to better  
12 prepare them to serve as caregivers for younger sib-  
13 lings.

14 “(6) Organizations that provide non-formal  
15 education can assist the thousands of children in de-  
16 veloping countries who are not currently being as-  
17 sisted by families or communities and are struggling  
18 to survive.

19 “(b) ASSISTANCE.—

20 “(1) EDUCATION ASSISTANCE.—The President  
21 is authorized to provide assistance for programs in  
22 developing countries to decrease barriers to public  
23 primary school enrollment by eliminating school fees  
24 and other costs of education, especially in developing

1 countries heavily affected by HIV/AIDS. Amounts  
2 made available to carry out this paragraph—

3 “(A) are authorized to be made available  
4 to the President for assistance or contributions  
5 to nongovernmental organizations and inter-  
6 national organizations to achieve the purposes  
7 of this paragraph; and

8 “(B) shall not be used to pay school fees.

9 “(2) EMPLOYMENT TRAINING ASSISTANCE.—

10 The President is authorized to provide assistance for  
11 programs in developing countries to provide employ-  
12 ment training and related services for orphans and  
13 other vulnerable children who are of legal working  
14 age, especially for programs in developing countries  
15 heavily affected by HIV/AIDS.

16 **“SEC. 247. ASSISTANCE TO PROTECT AND PROMOTE INHER-**  
17 **ITANCE RIGHTS.**

18 “(a) FINDING.—Congress finds that orphans and  
19 other vulnerable children in developing countries, particu-  
20 larly children who are orphaned as a result of AIDS, are  
21 routinely denied their inheritance or encounter difficulties  
22 in claiming the land and other property which they have  
23 inherited.

24 “(b) ASSISTANCE.—The President is authorized to  
25 provide assistance in support of programs in developing

1 countries to protect and promote the inheritance rights of  
2 orphans and other vulnerable children, particularly young  
3 girls and children who are orphaned as a result of AIDS.

4 **“SEC. 248. ADMINISTRATION OF ASSISTANCE.**

5       “(a) OFFICE FOR ORPHANS AND OTHER VULNER-  
6 ABLE CHILDREN.—

7               “(1) ESTABLISHMENT.—There is established  
8 within the United States Agency for International  
9 Development an Office for Orphans and Other Vul-  
10 nerable Children (hereafter in this title referred to  
11 as the ‘Office’), which shall be headed by a Director  
12 who shall be appointed by the Administrator of the  
13 Agency.

14               “(2) DUTIES.—The Office shall be responsible  
15 for carrying out this title.

16       “(b) APPROVAL OF APPLICATIONS.—Subject to the  
17 requirements of subsection (e), the Director of the Office  
18 shall be responsible for reviewing or approving all applica-  
19 tions submitted to the United States Agency for Inter-  
20 national Development for assistance under this title, in-  
21 cluding applications submitted to field missions of the  
22 Agency.

23       “(c) PRIORITY.—In providing assistance under this  
24 title, priority should be given to assistance for developing  
25 countries in which the rate of HIV infection, as reported

1 in the most recent epidemiological data for that country  
2 compiled by the United Nations Joint Programme on  
3 HIV/AIDS (UNAIDS), is at least 5 percent among women  
4 attending prenatal clinics or more than 15 percent among  
5 individuals in groups with high-risk behavior.

6 “(d) FORM OF ASSISTANCE.—Assistance under this  
7 title shall be provided in the form of—

8 “(1) grants, cooperative agreements, or con-  
9 tracts;

10 “(2) contributions to international organiza-  
11 tions; or

12 “(3) assistance to the governments of devel-  
13 oping countries.

14 “(e) COORDINATION.—The provision of assistance  
15 under this title for children who are orphaned as a result  
16 of HIV/AIDS, or are children with HIV/AIDS, shall be  
17 undertaken in accordance with section 104A of this Act  
18 and assistance relating to HIV/AIDS authorized under the  
19 United States Leadership Against HIV/AIDS, Tuber-  
20 culosis, and Malaria Act of 2003 (Public Law 108–25),  
21 including section 102 of such Act concerning the coordina-  
22 tion of HIV/AIDS programs.

23 “(f) OTHER ASSISTANCE.—

1           “(1) REVIEW OR APPROVAL OF OTHER USAID  
2           ASSISTANCE.—The Director of the Office shall be re-  
3           sponsible for reviewing or approving—

4                   “(A) each component of the annual plan of  
5                   a mission, bureau, or other office of the United  
6                   States Agency for International Development as  
7                   the component relates to assistance for orphans  
8                   or other vulnerable children in developing coun-  
9                   tries; and

10                   “(B) each program, project, or activity re-  
11                   lating to such assistance.

12           “(2) COORDINATION OF ALL U.S. GOVERNMENT  
13           ASSISTANCE.—The Director of the Office shall be re-  
14           sponsible for ensuring coordination of all United  
15           States Government programs to provide assistance  
16           for orphans and other vulnerable children in devel-  
17           oping countries.

18   **“SEC. 249. MONITORING SYSTEM.**

19           “(a) ESTABLISHMENT.—In order to maximize the  
20           sustainable development impact of assistance authorized  
21           under this title, the President shall establish a monitoring  
22           system that meets the requirements of subsection (b).

23           “(b) REQUIREMENTS.—The requirements referred to  
24           in subsection (a) are the following:

1           “(1) The monitoring system establishes per-  
2           formance goals for the assistance and expresses such  
3           goals in an objective and quantifiable form, to the  
4           extent feasible.

5           “(2) The monitoring system establishes per-  
6           formance indicators to be used in measuring or as-  
7           sessing the achievement of the performance goals de-  
8           scribed in paragraph (1).

9           “(3) The monitoring system provides a basis for  
10          recommendations for adjustments to the assistance  
11          to enhance the impact of the assistance.

12   **“SEC. 250. REPORT.**

13          “(a) REPORT.—Not later than December 31, 2005,  
14          and each December 31 thereafter, the President shall  
15          transmit to Congress a report that contains a detailed de-  
16          scription of the implementation of this title for the pre-  
17          vious fiscal year.

18          “(b) CONTENTS.—The report shall contain the fol-  
19          lowing information:

20                 “(1) For each grant, cooperative agreement,  
21                 contract, contribution, or other form of assistance  
22                 awarded or entered into under this title—

23                         “(A) the amount of the grant, cooperative  
24                         agreement, contract, contribution, or other form  
25                         of assistance, the name of each recipient and



1 each developing country with respect to which  
2 projects or activities under the grant, coopera-  
3 tive agreement, contract, contribution, or other  
4 form of assistance were carried out, and the ap-  
5 proximate number of orphans and other vulner-  
6 able children who received direct or indirect as-  
7 sistance under the projects or activities; and

8 “(B) the results of the monitoring system  
9 with respect to the grant, cooperative agree-  
10 ment, contract, contribution, or other form of  
11 assistance.

12 “(2) For each grant, cooperative agreement,  
13 contract, contribution, or other form of assistance  
14 awarded or entered into under any provision of law  
15 other than this title for assistance for orphans and  
16 other vulnerable children in developing countries, the  
17 information described in paragraph (1)(A).

18 “(3) Of the total amounts of assistance made  
19 available in each such fiscal year for orphans and  
20 other vulnerable children, the percentage of assist-  
21 ance provided in support of orphans or other vulner-  
22 able children affected by HIV/AIDS.

23 “(4) Any other appropriate information relating  
24 to the needs of orphans and other vulnerable chil-  
25 dren in developing countries that could be addressed

1 through the provision of assistance under this title  
2 or under any other provision of law.

3 **“SEC. 251. AUTHORIZATION OF APPROPRIATIONS; ADDI-**  
4 **TIONAL PROVISIONS.**

5 “(a) AUTHORIZATION OF APPROPRIATION.—

6 “(1) IN GENERAL.—Of the amounts made  
7 available to carry out the provisions of law described  
8 in paragraph (2), there are authorized to be appro-  
9 priated to the President to carry out this title such  
10 sums as may be necessary for each of the fiscal  
11 years 2005 and 2006.

12 “(2) PROVISIONS OF LAW.—The provisions of  
13 law referred to in paragraph (1) are the following:

14 “(A) The United States Leadership  
15 Against HIV/AIDS, Tuberculosis, and Malaria  
16 Act of 2003 (Public Law 108–25) and the  
17 amendments made by that Act.

18 “(B) Any other provision of law under  
19 which assistance is authorized for orphans and  
20 other vulnerable children in developing coun-  
21 tries.

22 “(b) ADDITIONAL PROVISIONS.—

23 “(1) AVAILABILITY.—Amounts appropriated  
24 pursuant to the authorization of appropriations  
25 under subsection (a) are authorized to remain avail-

1       able until expended and are in addition to amounts  
2       otherwise available for such purposes.

3           “(2) MINIMUM FUNDING REQUIREMENT.—Not  
4       less than 60 percent of amounts appropriated pursu-  
5       ant to the authorization of appropriations under  
6       subsection (a) for a fiscal year (other than amounts  
7       made available for assistance to eliminate school fees  
8       and other costs of education pursuant to section  
9       246) shall be provided through United States or in-  
10      digenous private voluntary organizations that imple-  
11      ment programs on the community level. Amounts  
12      provided by for-profit entities to not-for-profit enti-  
13      ties from assistance under this title shall not be con-  
14      sidered for purposes of satisfying the requirement of  
15      this paragraph.

16           “(3) ASSISTANCE UNDER OTHER PROVISIONS  
17      OF LAW.—

18           “(A) IN GENERAL.—Notwithstanding any  
19       other provision of law, amounts made available  
20       for assistance for orphans or other vulnerable  
21       children in developing countries under any pro-  
22       vision of law other than this title may be pro-  
23       vided to further the purposes of this title.

24           “(B) REPORT.—To the extent assistance  
25       described in subparagraph (A) is provided in

1           accordance with such subparagraph, the Presi-  
2           dent shall include, as part of the report re-  
3           quired under section 250, a detailed description  
4           of such assistance and, to the extent applicable,  
5           the information required by subsection  
6           (b)(1)(A) of such section with respect to such  
7           assistance.

8           “(4) ADMINISTRATIVE EXPENSES.—Notwith-  
9           standing any other provision of law, amounts made  
10          available for assistance for orphans or other vulner-  
11          able children in developing countries under this title,  
12          or under any provision of law other than this title,  
13          may be made available for administrative expenses  
14          incurred in carrying out this title for a fiscal year  
15          in an amount not to exceed 7 percent of amounts  
16          made available for such fiscal year for such purpose  
17          under this title, or under such other provision of  
18          law, as the case may be.

19   **“SEC. 252. DEFINITIONS.**

20          “In this title:

21               “(1) AIDS.—The term ‘AIDS’ has the meaning  
22               given the term in section 104A(g)(1) of this Act.

23               “(2) CHILDREN.—The term ‘children’ means  
24               persons who have not attained the age of 18.

1           “(3) HIV.—The term ‘HIV’ has the meaning  
2           given the term in section 104A(g)(2) of this Act.

3           “(4) HIV/AIDS.—The term ‘HIV/AIDS’ has  
4           the meaning given the term in section 104A(g)(3) of  
5           this Act.

6           “(5) ORPHAN.—The term ‘orphan’ means a  
7           child deprived by death of one or both parents.

8           “(6) PSYCHOSOCIAL SUPPORT.—The term ‘psy-  
9           chosocial support’ includes care that addresses the  
10          ongoing psychological and social problems that affect  
11          individuals, their partners, families, and caregivers  
12          in order to alleviate suffering, strengthen social ties  
13          and integration, provide emotional support, and pro-  
14          mote coping strategies.

15          “(7) VULNERABLE CHILDREN.—The term ‘vul-  
16          nerable children’ includes children who are ne-  
17          glected, destitute, abandoned, homeless, disabled,  
18          suffering from malnutrition, are sexually exploited or  
19          abused, or are displaced or otherwise adversely af-  
20          fected by armed conflict.”.

Passed the House of Representatives June 14, 2004.

Attest:

*Clerk.*



108TH CONGRESS  
2D SESSION

# H. R. 4061

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## AN ACT

To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries.